IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 36431 of 2005(K)

PETITIONER:

K. SUDEEP, PROCESS SERVER,
DISTRICT COURT, KOZHIKODE.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS:
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1. THE DISTRICT JUDGE, KOZHIKODE.

2. STATE OF KERALA, REP. BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

3. P.T. AJEESH, L.D. TYPIST,
DISTRICT COURT, KOZHIKODE.

BY ADV. SRI.K.JAJU BABU
GOVERNMENT PLEADER SMT.D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.36431/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE G.O.NO.19/2004/P&ARD DATED 8.12.2004.

EXT.P2: TRUE COPY OF THE CERTIFICATE.

EXT.P2(a): TRUE COPY OF THE CERTIFICATE.

EXT.P2(b): TRUE COPY OF THE CERTIFICATE.

EXT.P3: TRUE COPY OF THE OFFICE MEMORANDUM DATED 20.06.2005 ISSUED BY THE SHERISTADAR, DISTRICT COURT, KOZHIKODE.

EXT.P4: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 25.7.2005.

EXT.P5: TRUE COPY OF THE PROCEEDINGS OF 1ST RESPONDENT DATED 5.11.2005.

EXT.P6: TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 1ST RESPONDENT DATED 7.11.05.

EXT.P7: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 7.12.05.

EXHIBITS OF R3

EXT.R3(a): TRUE COPY OF CERTIFICATE ISSUED BY THE LBS CENTRE FOR SCIENCE AND TECHNOLOGY TO THE PETITIONER FOR DATA-ENTRY AND SOFTWARE OPERATIONS DATED 20.11.99.

//TRUE COPY//

P.A. TO JUDGE

P.R.RAMAN, J.

W.P.(C) NO. 36431 OF 2005

Dated this the 23rd day of January, 2007

J U D G M E N T

The petitioner is a Process Server presently working at District Court, Kozhikode. He entered the service as peon, borne in last grade service in the Judicial Department. He entered the service on 17.12.2001.

2. When a vacancy arose in the post of Lower Division Typist which post has to be filled up by promotion from qualified hands from last grade servants, applications were called for and the third respondent Sri.P.T.Ajeesh, who is senior to the petitioner was appointed. Though the petitioner is junior to Sri.P.T.Ajeesh, according to him Sri.Ajeesh is not possessing all the requisite qualification to the post of LD Typist. This contention is based on Exhibit P1 Government order dated 8th December 2004 by which the Government prescribed computer word processing also as an essential qualification for the posts of Typist, Confidential Assistant etc in Public Service appointments.

3. According to the petitioner, the certificate possessed by the 3rd respondent namely the certificate issued by the LBS

Centre for Science and Technology, a Government of Kerala undertaking, certifying that the 3rd respondent has successfully completed a part time course on date entry and software operations with practical training and has passed the concluding examination is not equivalent to a certificate issued by KGTE. A representation was made expressing his grievance in the matter. The District Judge however by Exhibit P7 rejected his contention, where under it was held that the certificate possessed by the 3rd respondent is also issued by a reputed Government undertaking and he considered the certificate so issued as equivalent to the certificate of KGTE. Of course, the petitioner has a contention that the equivalence of the qualification or the certificate possessed is a matter for the Government to clarify. But it may not be necessary in the factual situation of the present case even to decide as to whether the 3rd respondent do possess a certificate in the computer word processing as required in Exhibit P1 or not. Exhibit P1 only mandates the qualification as prescribed under various Government orders referred to therein, as is applicable to public service appointments. As far as the civil wing of the Subordinate Judicial wing is concerned, it is governed by

statutory rule namely Kerala Judicial Ministerial Sub Ordinate Service Rules. Admittedly, the additional qualification to be possessed as per Exhibit P1 is not carried out by amending the rule as aforesaid, when alone such amendment will have effect as far as the subordinate service of ministerial staffs are concerned. If so, there is no merit in the writ petition.

Writ petition is dismissed.

P.R.RAMAN, JUDGE

Rp